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Human rights situations that require the Council's attention

Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The situation of Civil Society NGOs in the Russian Federation

Government pressure on civil society in the Russian Federation has intensified considerably since anti-government protests began in late 2011. The protestors however, had every reason to protest against widespread fraud in the parliamentary and presidential elections. Yet the Russian authorities claim that anti-government demonstrations are, directly or indirectly, organized from abroad, specifically by the West providing finance to Russian NGOs.

These claims are almost totally unfounded. Yet the Russian Federal Government adopted a new law in 2012 on NGOs deemed to be engaging in political activities: "[N 121-FZ] On Amendments to Certain Legislative Acts of the Russian Federation with regard to regulating the activities of NGOs that perform functions of a foreign agent."

Since in Russia the term "foreign agent" is strongly equated with "spy "and "the enemy" this has created the totally false impression that any NGO receiving foreign funding must be working against the interests of Russia.

Under this law, all NGOs that are engaged in political activities and receive funds from abroad must:

- voluntarily register as "foreign agents" at the Ministry of Justice,
- indicate their status of a foreign agent in their publications in the media and on the Internet,
- provide periodic reports to the authorities on expenditure and their senior staff.

Until June 2014 such registration was voluntary, but a new law has made registration compulsory and the Ministry of Justice may itself now register any NGO deemed to be receiving foreign funds as a foreign agent. Furthermore, failure to register voluntarily is punishable by a fine of 300,000 rubles or imprisonment for up to two years.

Since no organization that is not a foreign agent would ever want to register as one, registration directly by the Ministry is almost always followed by a large fine.

Public oversight bodies have begun to interpret the concept of "political activity" extremely widely. According to the report of the Russian Ombudsman the "political activities" of NGOs are deemed to include conducting outreach and educational events, attended by leaders and members of NGOs:

- in the work of public councils and public monitoring commissions,
- held by the anti-corruption experts,
- in discussion of draft laws,
- in environmental management,
- implementation of initiatives regarding tolerance,
- participation in the preparation and conduct of public hearings and appeals against various public authorities,
- the publication of educational and human rights literature and periodicals,
- research and activities in the area of health protection and disease prevention.[1]

Today, 80 NGOs are included in the register of foreign agents on the website of the Ministry of Justice.[2] Many of those included in the register very quickly announce their liquidation.

One organization prosecuted under this law is the association 'Voice,' which exposed the falsification of the 2011 elections. On 5 June 2014, Voice was the first to be compulsorily registered as a foreign agent. Yet it is not financed from abroad; the registration followed its nomination for an international prize, which it had refused. Nevertheless the association and its executive director were fined 300,000 rubles and 100,000 rubles respectively. The administrative fine was cancelled[3] after the intervention of the Ombudsman but the registration as a foreign agent has remained.

[1] http://ombudsmanrf.org/www/upload/files/docs/appeals/doklad2014.pdf
[2] http://unro.minjust.ru/NKOForeignAgent.aspx
[3] http://ombudsmanrf.org/www/upload/files/docs/appeals/doklad2014.pdf

Then on 7 June 2015, police officers raided the Moscow offices of Voice and the apartments of its leaders: Gregory Melkonyants, Tatiana and Roman Udot Troynova. The searches were ostensibly carried out in connection with a previous tax evasion case against the head of a branch of the organization in Samara. During searches the police seized 90 pieces of computer equipment[4]. Following the raid the organization announced an appeal for donations for the purchase of new computer equipment.

On 21 July 2014, the human rights centre 'Memorial' was included in the register of foreign agents. On 22 December 2014 the movement 'For Human Rights' was then included. And on 25 December 2014 the Sakharov Center was. These three organizations are the most respected and authoritative Russian NGOs.

In March 2015, the Russian courts fined the movement For Human Rights and the Sakharov Center 300,000 rubles each for failing to voluntarily register as foreign agents.

On 8 July the Komi Republic branch of Memorial was fined the same amount.

The Sakharov Center appealed for donations to pay the fine and the necessary money has been raised but its problems continue. Vacheslav Bakhmin, a Soviet dissident and chairman of the Sakharov Center, said in an interview that the designation as a foreign agent denied the organization the opportunity to work because no one will want to have contact with foreign agents – i.e. spies.

The purpose and effect of the designation as foreign agent is to isolate an organization morally with unknown consequences for the future.

The Russian Humanist Society, a member organization of the International Humanist and Ethical Union, had a program of work with schools, which is impossible to carry out since it became registered as a foreign agent.

The next expected step in this clampdown on NGOs is a law preventing government officials from communicating with "foreign agents" as is already the case with deputies of the Duma. There are also reports of Russian legislators drafting laws envisaging up to 10-year terms of imprisonment for 'anti-Russian propaganda'.[5]

On 25 May 2015 the not-for-profit foundation 'Dynasty', created to support natural science, was registered by the Ministry of Justice as an NGO that functions as a foreign agent.[6] On 6 June 2015 a meeting of Russian scientists and teachers was held in support of the foundation that attracted more than 3,000 people,[7] but the decision to register the organisation as a foreign agent was not rescinded. On 17 June 2015, Dynasty was fined 300, 000 rubles for failing to register.[8] On 5 July 2015 it announced its liquidation.[9]

After the rebel attack on Grozny on the night of 3 December 2014, the head of Chechnya, Ramzan Kadyrov, said that from now on the families of those involved will be held responsible for their actions; they will be expelled from Chechnya and their homes razed to the ground. Igor Kalyapin, the chairman of the NGO 'Committee against Torture' created in 2000 in Nizhny Novgorod, considered Kadyrov's statement to be illegal and appealed to the Prosecutor General's Office and the Investigative Committee demanding that they institute criminal proceedings against him. On 13 December 2014, unknown persons set fire to the office of Committee against Torture in Grozny. The lawyers of the Committee decided to leave Chechnya after the fire and further harassment by armed men[10]. Actions against Committee against Torture continued.

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[4] http://www.golosinfo.org/ru/articles/29791
[5] http://www.stopfake.org/en/up-to-10-year-sentences-proposed-for-anti-russian-propaganda/
[6] http://www.dynastyfdn.com/news/1283
[7] http://www.svoboda.mobi/a/us-obama-state-of-the-union/27059501.html
[8] http://tass.ru/politika/2046900
[9] http://www.dynastyfdn.com/news/1296
[10] http://www.hro.org/node/20994

On 16 January 2015 Committee against Torture was registered as a foreign agent by the Ministry of Justice.[11]. The prosecutor in Nizhny Novgorod justified the registration on the grounds that the Committee received foreign grants and were engaged in trying to change government policy.[12]

On 3 June 2015 the office of Committee against Torture in Grozny was destroyed again. According to human rights activists, armed men with sledgehammers and saws destroyed a company car, broke down the door to the office and ransacked it. The police did not intervene.[13]

On 21 July 2015 the Ministry of Justice issued a warning to 12 NGOs on the register of foreign agents including the refugee charity Civil Assistance, the human rights center Memorial, the Sakharov Centre, For Human Rights, the Russian branch of Transparency International and Committee against Torture because they failed to label their websites and published material as "foreign agents". A fine of 300,000 – 500,000 rubles threatens organizations for such violations.

On 24 July 2015 the chairman of Committee against Torture announced that the organization would be liquidated.[14]

On 19 May 2015, the State Duma adopted a law permitting the appropriation of assets from foreign and international non-governmental organizations designated as "undesirable in Russia." The activities of such organizations should be banned under the threat of civil and criminal liability, and accounts frozen[15]. On 7 July 2015, the Federation Council Speaker listed 12 foreign NGOs on a "Patriotic Stop List" as "undesirable in Russia."[16]

The right to freedom of association and expression are protected by international law. This is further backed by the 1998 Declaration on Human Rights Defenders and UN Resolutions on the protection of human rights defenders (Council resolutions 16/5, 22/6 and 25/18 and GA resolutions 66/164 and 68/181).

Accordingly, we urge the Council to express unequivocal support for Russia's civil society and call on member state Russia to end its campaign of intimidation against NGOs and amend legislation affecting them, so that it is brought in line with international human rights standards.

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[11] http://www.interfax.ru/russia/418370
[12] http://www.novayagazeta.ru/politics/67943.html
[13] http://www.bbc.com/russian/russia/2015/06/150603_grozny_torture_committee_attack
[14] http://www.interfax-russia.ru/Povolzje/news.asp?id=634725&sec=1671
[15] http://ria.ru/politics/20150519/1065380249.html
[16] Open Society Institute (Soros Foundation), National Endowment for Democracy, International Republican Institute, National Democratic Institute for International Affairs, MacArthur Foundation, Freedom House, Charles Stewart Mott Foundation, Foundation Education for democracy, East European Democratic Centre, World Congress of Ukrainians and Ukrainian World Coordinating Council and the Crimean field mission on Human Rights.